

# CASCADE COUNTY ZONING BOARD OF ADJUSTMENT

## Meeting Minutes

Thursday June 27, 2019

5:00 PM

Family Living Center, Montana Expo Park

400 3rd St. NW

***Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski, Michele Levine***

**Notice:** Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at [cascadecountymt.gov](http://cascadecountymt.gov) and the Planning Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

**STAFF ATTENDEES:** Anna Ehnes, Destiny Gough, Carey Haight, Sandor Hopkins, Michael Stone, and Charity Yonker.

**PUBLIC ATTENDEES:** Kathy Austin, B'aleu, Bonnie Beuning, Bill Branson, Kathy Buckles, Gloria Burrows, Judson Burrows, Margret A. Butcher, An, Jim Cummins, Anne Conlan, Dorothy Conlan, Glen Coulter, Leanna Coulter, Carolyn Craven, Alex Dachs, Madella Dale, Johnny Ray Davis, Terra Davis, David Donohue, Misty Dwello, William D. Dwello, Margaret Eakman, C.R. Eisenzimen, Mary Beth Ewen, Char Fabian, Karen Falter, Jaybe Floyd, K.L. Gasps, Randy Gibertson, Amy Gilbertson, Kyle Gilbertson, Richard Gregovich, Gretchen L. Grubidge, Stephan Grubidge, Shannon Guilfoyle, Jan Hagen, John Hayes, Kasey Herman, George P. Hofer, Roy Holl, Brian Hopkins, Richard Hopkins, Eileen Hyndman, Michael Imcky, Paula Jackson, Deborah Jenkins, Michael Jenkins, Bonnie Jorgensen, Marin Keyes, Carol Y. Kimball, Nate Kluz, Larry Kralj, Richard Kornick, Chris Leuthan, Pat Liebig, Corine Lindhorst, David B. Linpseth, Cleve Loney, Anthony May, Kevin May, Marie May, Susan McCord, Cheryl McGee, James E. Morin, Tanya Murphy, Tiffany Naude, Ron Nelson, Sue Ellen Olds, Bertha Olson, Edward Olson, Merdys J. Peterson, Angie Poupa, Tony Poupa, Linda Redding, Elizabeth A. Regennitter, Ross Regennitter, C. Robinson, Rod, Marilyn Rogers, William Rogers, Chris Rollag, Diane Seitz Nelson, Daniel Sheasby, Bob Sivertsen, Tammy Lynne Smith, Soren Soroben, June A. Sprout, R. Dale Sprout, Amber J. Stenson, Neil Swift, Beth Thomas, Ken Thompson, Lisa Thompson, Monte Thompson, Terry Thompson, Erin M. Tingey, Janelle Tingey, John Tingey, Elsie Tuss, Ric Valois, Pennie Vihinen, Ron Vihinen, Josh Wagoner, Jake Waldner, Walt Walker, Christine Ward, Mark A. Wieister, David Wipf, Elias P. Wipf, Joseph J. Wipf, Dale Yatsko, and Janelle Yatsko.

1. CALL TO ORDER: Bill Austin called the meeting to order at 5:15 PM

**Sandor Hopkins (00:01:57)** greets the public and the board. He states that he is the current Interim Planning Director for the Cascade County Planning Department. He says that the purpose of tonight's meeting is to discuss the tabled application for a telecommunications tower, first. Then, the application of a cheese processing facility. He recognizes that most people in the room are here for this application of a cheese processing facility. He goes on to say that this meeting is not to discuss the proposed zoning regulations, the growth policy, a possible slaughterhouse<sup>1</sup>, rendering plant distillery, or anything other than *SUP 006-2019, Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant* and *SUP 007-2019, Minor Utility Installation – Konceptio Data Services (KDS)*. *SUP 006-2019 Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant* must comply with our zoning regulations. Several county and state departments will be/are involved in the full permitting process for this specific application, should the ZBOA decide to grant approval of this Special Use permit (SUP). Cascade County will not permit these two (2) applications unless all the necessary approvals are in place. He says that this meeting tonight, like all public hearing meetings for Special Use Permits (SUP), is not a debate or a 'question and answer' panel session. He says this public meeting is for the public and interested agencies to give constructive comments and information in opposition or in favor of the project's application on hand. He says that the Planning staff are suggesting to the Zoning Board of Adjustment (ZBOA) to refrain from deciding tonight on the SUP 006-2019, due to the ample amount of public interest in this project. The Planning staff hope that if the ZBOA refrains from deciding tonight, it will allow the ZBOA board members time to make a proper consideration of all the constructive comments given tonight, and comments that will be received up until the public commenting portion of this application ends. He says at public hearings; the staff are required to read the staff report on all SUP's applications into the audio record. He ends by saying, "We thank you in advance for your patience and respect for the process we must follow. We respectfully request that comments are kept topical, concise, and polite. Many, if not all of us, are residents of Cascade County and are here for the same reason, because we want what is best for the place we live and work [in]. Thank you."

2. ROLL CALL

**BOARD MEMBERS PRESENT:** Bill Austin, Charles Kuether, Michele Levine, Leonard Reed, and Rob Skawinski.

**BOARD MEMBERS ABSENT:** none.

3. APPROVAL OF MINUTES: June 13, 2019 (Pending Completion).

4. OLD BUSINESS:

A. SUP 007-2019, Minor Utility Installation – Konceptio Data Services (KDS)<sup>2</sup>

1. Board Discussion & Action

Motions:

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<sup>1</sup> For more information on the *SUP 008-2017, Food Processing Plant – Madison Food Park LLC*. please visit: <http://www.cascadecountymt.gov/departments/public-works/planning/project1> .

<sup>2</sup> For more information on *SUP 007-2019, Minor Utility Installation – Konceptio Data Services* please visit: <http://www.cascadecountymt.gov/df/departments/public-works/planning/zoning-board/2019/Staff%20Report%20-%20SUP%20007-2019%20-%20KDS.pdf> .

- A. **Alternative 1:** “Move the Special Use Permit to allow the minor utility installation for a telecommunications tower on the property, legally described as geocode 02-3015-21-4-01-01-0000, parcel 0002441400, be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied),”

OR

- B. **Alternative 2:** “Move the Board adopt the staff report and findings of fact and **approve** the Special Use Permit to allow the minor utility installation for a telecommunications tower on the property, legally described as geocode 023015-21-4-01-01-0000 parcel 000241400, subject to the following conditions:
1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.”

### Board Discussion and Decision

Bill Austin (00:04:07) asks if Mr. Friesen would come to the front after the staff report is read to address the board and room. He would also like the applicant to discuss his proposition for his application. Then, he says that the applicant has provided some samples of his product that he would like to produce and sell here in Cascade County if he is permitted.

Sandor Hopkins (00:04:49) tells chairman Bill Austin that he needs to defer to council first on the old business item, SUP 007-2019.

*Carey Haight agrees.*

Bill Austin (00:04:57) asks if the board just needs to table the item again.

Carey Haight (00:05:02) suggest that the Planning staff should also give an explanation as to why the board is tabling the item, if the board decides to table the item. Then, the board should make a motion to that effect.

Bill Austin (00:05:12) asks if the reason the Planning staff is recommending tabling the motion is due to waiting for some more information to come in.

Sandor Hopkins (00:05:16) responds that is correct.

*A few public attendees raise a question of privilege that the Interim Planning Director, Mr. Hopkins, needs to speak louder as they cannot hear well. Then, a few public attendees also ask if he could face and speak more directly to the public attendees, rather than the Zoning Board of Adjustment (ZBOA). The Planning staff try to accommodate the public's request. Chairman Bill Austin decides the question of privilege shall be resolved by Mr. Hopkins holding the microphone in his hand.*

Sandor Hopkins (00:06:06) responds that the staff and the board are waiting to hear back from the state communication inspector Roger Smith on whether the KDS tower will be/is in conflict with nearby communication towers, particularly with the nearby 911 Dispatch program's tower. The Planning staff is recommending the ZBOA board members to table this item until further notice.

*Bill Austin understands.*

Charles Kuether (00:07:00) responds that he motions to **table** SUP 007-2019, *Minor Utility Installation – Konceptio Data Services*.

Leonard Reed seconds the motion for approval.

*All in favor, motion carries 5-0.*

5. NEW BUISENESS:

A. SUP 006-2019, Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant<sup>3</sup>

1. Staff Report by Sandor Hopkins

Motions:

- A. **Alternative 1:** “Move the Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant on Parcel 0005348300, Geocode 02-3017-34-4-02-01-0000 **be denied** (ZBOA member proposing denial must delineate legal reason that the application be denied),”

OR

- B. **Alternative 2:** “Move the Board adopt the staff report and findings of fact and **approve** the Special Use Permit for a Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant on Parcel 0005348300, Geocode 02-3017-34-4-02-01-0000 subject to the following conditions:
1. The applicant obtains a Driveway Approach Permit from the Montana Department of Transportation and complete a Transportation Impact Study (TIS) if required by MDT.
  2. The applicant obtains necessary water rights from the Montana Department of Natural Resources and Conservation.
  3. The applicant obtains approval from the City-County Health Department and Montana Department of Environmental Quality (DEQ) for a new public water supply and wastewater system.
  4. The applicant obtains Montana DEQ general permit for stormwater discharges associated with construction activity. After construction, install required onsite detention basins for stormwater runoff.
  5. The applicant obtains any other county, state, or federal permits required by the respective agency for the legal operation of the proposed use.
  6. The applicant adheres to all relevant building code requirements established by the Department of Labor and Industry.
  7. Operation hours be limited to 7:00 AM to 7:00 PM.
  8. All cheese manufacturing process activities must occur inside a fully enclosed building and not be visible to the general public.
  9. All setback requirements for the A District must be followed.
  10. Outside storage must be fully screened to conceal work equipment or materials not stored inside.
  11. No structure extends into the height overlay district.”

**Recess Begins at 6:18 PM**

**Recess Ends at 6:29 PM**

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<sup>3</sup> For more information on *SUP 006-2019, Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant* please visit: <http://www.cascadecountymt.gov/departments/public-works/planning/project2> .

## 2. Board Discussion & Action

**Bill Austin (01:02:57)** asks if the applicant Mr. Friesen would come to the podium and address the board. He then goes on to ask the audience if they could please be respectful/courteous by being a good listener, being quiet, paying attention, turning off their cell phones, and by practicing self-restraint by refraining from inappropriate applauding, shouting, and so forth... He states that they are all here today to hear the facts of this particular case.

**Edward Friesen at 3737 5th Ave. N, Lethbridge, Alberta, Canada (01:03:30)** states that he is the applicant.

*A few public attendees raise two questions of privilege that the applicant needs to speak louder and speak directly to the public attendees, rather than the Zoning Board of Adjustment (ZBOA).*

*Chairman Bill Austin decides the question of privilege that he needs to speak louder be granted by requesting the applicant to hold the microphone in his hand. Edward Friesen tried to accommodate the public's request by holding the microphone. Then, the chairman decides the question of privilege that the podium and applicant shall face the public attendees rather than the board shall be denied. The chairman states that the podium is located where it needs to be located. He politely asks for the public attendees standing to sit back down.*

**Edward Friesen (01:04:10)** states that he is the applicant and a managing member of Madison Food Park, LLC and Big Sky Cheese, LLC. He introduces the team that he has been working with. He says that he is working with Joe Murphy and Kevin May. He says that they are professional civil/environmental engineers from Big Sky Civil Engineering. He then introduces Mr. Jerry Phipps who is a professional engineer, associate, and project manager of HR Green Inc. from Cedar Rapids, Iowa. He introduces David Donohue who is a senior hydrogeologist of HydroSolutions Inc. in Helena, Montana. He introduces Mr. Alan McCormick who is an attorney from Garlington, Lohn, and Robinson (GLR) Law Firm in Missoula, Montana. He goes on to say that he is here today to talk about their old-fashioned artisan cheese made exclusively from Montana dairy milk. He describes his long family history of cheese artistry business. He gives a list of some of the cheeses that they intend to make and sell.<sup>4</sup> He then goes on to say that Montana dairy farmers are struggling to stay financially viable. He proposes that their cheese business will help dairy farmers and Montana's economy by helping to not export Montana's dairy to be processed out of state. Instead, their business will be exclusively using Montana dairy and will be processing the dairy in the state of Montana. Then, they will be turning the dairy into value-added cheese products. He would like to call their cheese business 'Big Sky Cheese' as the cheese will come from and be made in Montana. He states that value-added dairy is an effective way to help the Agricultural community in Montana grow and further develop. He says that their business will provide for some high paying jobs. He says that their business will provide jobs for people who are American and are legally allowed to work in the United States of America. He says that their business will adopt measures to help reduce the carbon foot print. He says that their business believes in using renewable energies, reusing water, reusing waste products, being a good neighbor, being a local contributor to the Cascade County community and being a good steward of the land.<sup>5</sup> He thanks the ZBOA board members and Cascade county for hearing their application. He also thanks local supporters; and he encourages people to taste their product at the back of the room. He invites Mr. Murphy to come to the front to discuss some further information.

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<sup>4</sup> For more information on the types of cheese and products that the applicant would like to sell please visit: <http://www.bigskycheese.com/index.html> .

<sup>5</sup> For more information please see footnote 3 and/or view the applicant's main website at <http://www.madisonfoodpark.net/index.html> .

*A public attendee says that they thought this meeting was about the SUP 006-019 and not about SUP 008-2017. The chairman states this is meeting presently is about SUP-006-019 only. He asks for the public attendees to please be patient and to wait to speak during the public hearing portion of the meeting.*

Joe Murphy at 1324 13th Ave. SW, Great Falls, MT 59404 (01:08:28) says that he is a professional engineer with Big Sky Civil and Environmental (BSCE). He says that his firm has been assisting Madison Food Park LLC with planning level services that are connected to the proposed cheese and dairy processing facility. For instance, they have helped the applicant with the conceptual layout of the proposed facility, access approaches, roadway designs, conceptual layout of the parking lots, water design, waste water design, stormwater design, stormwater pollution prevention plans, and with their permitting process. If a project is implemented, they often aid applicants/developers in their construction staking, inspections, and in material testing. Their firm also tends to work with other experts in the areas of traffic impact studies, waste water treatment, water source development, water source storage, geo technical services, structural engineering, mechanical engineering, electrical engineering, architectural services and so on... Likewise, he says that this SUP 006-019 has required input and help from many other companies. He says that some are being represented here tonight. He then gives a brief overview of some design and planning related tasks, which his firm will help if this project is approved.<sup>6</sup> He invites David Donohue, senior hydrogeologist of HydroSolutions, to speak after he is done speaking. He states that the HydroSolutions specializes in hydrogeology and in associated water rights. He notes that SUP 006-019's project will mostly like not have to obtain any water rights for it is estimated to be using exempt wells. HydroSolutions will assist this SUP with their engineering and their studies of water. As for wastewater, the proposed SUP will require the development of a wastewater collection, conveyance treatment, and a beneficial reuse system for the disposal of their treated effluent. Both domestic and industrial waste streams are anticipated from the plant and will be required to be treated separately. Both waste water generation and water usage information and estimates are provided within the project's application and supporting documents.<sup>7</sup> He introduces Mr. Jerry Phipps of HR Green Inc. He says that HR Green specializes in wastewater treatment and the beneficial use of treated effluent. HR Green Inc. will assist in the engineering required to treat and reuse effluent for agricultural crops. He says that the project proposes to retain the use of a majority of the crop land on the project's propose location as Agricultural. The septic system associated with domestic wastewater will be completed by BSCE. As for stormwater matters, during and post construction of the proposed project will be required to adhere to all requirements by the Department of Environmental Quality (DEQ) as well as be permitted under DEQ's general stormwater permit. This permit and oversight by DEQ will/does include the development of a stormwater pollution prevention plan (SWPPP), the installation of best management practices for stormwaters (BMP), and the restoration of vegetation in all disturbed areas. There will be storm water detention and retention ponds, drainages, culverts, conveyance systems and so forth... that are crucial for stormwater conveyance and treatment in order to limit stormwater to pre-development conditions. They will also strictly adhere to Montana DEQ Circular 8.<sup>8</sup> BSCE will assist in the engineering activities, such as stormwater, drainage, conveyance treatment, detention of stormwater, and retention of stormwater. He says

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<sup>6</sup> For more information please "Madison Food Park, LLC SUP Criteria- Expanded Responses" of SUP 006-019's application, which can be found at: <http://www.cascadecountymt.gov/df/departments/public-works/planning/project2/Big%20Sky%20Cheese-MFP%20Full%20Application.pdf>.

<sup>7</sup> Please see footnote 3.

<sup>8</sup> Please see footnote 6.



that he is open to try to answer any questions about the project; and he ends by thanking the board.

*Larry Kralj comes to the podium and states that he has heard this information too many times already. Larry Kralj would like to open the public hearing now and end the applicant's discussion time. Chairman Bill Austin politely asks Larry Kralj to please sit back down and wait for the appointed public hearing time to give his opinion. Larry Kralj insists on remaining at the podium and discussing his opinion. Larry Kralj and a female public attendee then begin to discuss their dissatisfaction with how the meeting is being run. They would like to end the appointed board discussion and begin the opponent portion of the appointed public hearing time. The chairman says that the public attendees must wait for the appointed time to hear and speak their public opinions on the matter at hand. He says that they need to sit back down.*

*The chairman says that if Larry Kralj continues to act tumultuously, Larry Kralj may have to be removed from the podium or the room, in order to maintain decorum. Larry Kralj remains at the front. As a result, the Sheriff's deputies try to escort Larry Kralj back to his seat as well as try to compel him to calm down, in order to help maintain order in the room. Rob Skawinski asks the chair to see if they can have Larry Kralj removed to retain order in the room. The chairman states to Larry Kralj that he will have a time to speak. Nonetheless, Larry Kralj must wait until the appointed time. Larry Kralj continues to discuss his dissatisfaction and the deputies again try to ask Larry Kralj to calm down. Vice-chair Michele Levine asks the chairman to state the sequence of events in a Zoning Board of Adjustment meeting. The chairman states that meetings such as this one can be exceptionally long. He says that when people act tumultuously, the meetings can go on longer. It is best for everyone to remain respectful and courteous. Larry Kralj disputes with the chair of the board. The chairman says that when people act tumultuously it is unreasonable in his opinion. He politely asks Larry Kralj to please wait his turn to speak during the appropriate allotted time. He says that the board would like to see the applicant's presentation.*

*A few public attendees attest that they do not wish to follow the board meeting's order as others public attendees attest to wanting to follow the standard order for a public meeting. Chairman Bill Austin states at a public Zoning Board of Adjustment meeting, it is the board that is being addressed. Since, the board is the one who makes the decision to approve or disapprove an application. Larry Kralj disputes with the chair of the board again. The chairman tells Larry Kralj that the board does not appreciate his current behavior and that his behavior is being rude. Another public attendee states that the chair of the board is being rude to the public, and that the board needs to remember who they work for. Larry Kralj then goes on to state that the chair of the board needs to remember who he works for or that he can go work for the applicant. The public attendee then encourages Larry Kralj to continue to act tumultuously.*

*Chairman Bill Austin states that he would like to hear the rest of the presentation, and if any public attendee does not want to listen to it, they can leave. The public attendees are not obligated to stay. A public attendee states that the chair has a slow memory and that he needs to remember who he works for. The chairman states, "We represent Cascade County, and I do not know who you are representing, but it certainly doesn't sound like Cascade County." The public attendee states that it is his home; and the chairman states that it is his home too. Another public attendee states that it is all of our home— it is our county. She asks for the other public attendees to be quiet as she and the rest of the public attendees in the room would like to hear what the applicants have to say and present. The chairman politely states that he would like to hear the rest of the presentation as well. He states that there will be a public hearing, and everyone will be given an opportunity to speak. However, the board would like to finish the presentation first. He ends by thanking the public.*

*David Donohue comes up to the podium to try to finish the presentation. Larry Kralj stands in close proximity behind David Donohue. David Donohue politely asks Larry Kralj if he could have a little bit of space. Some of the public dispute Mr. Donohue for asking such a thing. Larry Kralj states that he is in line to speak and insists to stand right behind him.*

David Donohue at 303 Clarke St. Helena, MT 59401 (01:20:14) thanks the board for having him and states that he is a hydrogeologist and a professional geologist with HydroSolutions from Helena, Montana. He states that his firm will be working with the water rights and any permitting that will or may be necessary. He shows on a map where the location is located. He then discusses the topography and the geography of that particular location. He discusses where the main water source will be coming from the Madison formation. He says the requirements for the plan of action for their water usage is in the application. He says that there will be two wells. One well is a test well and maybe used for industrial use. The other well is for fire suppression, domestic use, and for the developmental use.

Jerry Phipps from Cedar Rapids Iowa (01:25:17) states that he is from HR Green Inc. He says that he is here to discuss the wastewater process component of this proposed project. He gives a brief history of his business, an overview of what his business does, as well as some other information regarding his business. He describes how the proposed project will be using D.A.F.T. (Dissolved Air Flootation Technology) and irrigation ponds. He says that there is no surface water discharge as it will all be used for irrigation. He says that everything will be in line with the regulations and the laws for wastewater, in order to protect the ground. In regard to irrigation, he says that they have looked at using alfalfa as a crop or mixture of different crops. They are also currently looking into pond sizing for this project as well as treatment for/during the winter. He goes on to say that they will have a septic system as well. He says everything will be inside of a building and there will be filtered exhausts. So, they are anticipating low odor levels.

#### **Public Hearing opened at 6:58 PM**

Bill Austin asked for proponents:

Cleve Loney at 500 14th Ave. NW, Great Falls, MT 59404 (01:33:14) says that he is a realtor and that he is in favor of the project as it is said to be a value-added project that will bring in more job opportunities to our county. He says that it is important that our community grow as our county has had little growth.

*A female public attendee who previously stated her dissatisfaction with this project, interrupts the proponent section of the meeting to state her opposing opinion. The chairman tells the woman that they are not here to today to discuss SUP 008-2017. The chairman states that this is an inappropriate time for her to be discussing her opposing opinion. He asks for her to wait till the allotted time during the opponent portion of the public hearing to state her opposing opinion to this project.*

Terra Davis at 729 27th Ave. NE, Great Falls, MT 59404 (01:35:17) says that she is in favor of the proposal and that she agrees with the previous proponent. She also finds that the negative comments about the proposal have been cleared by the applicant's presentation.

Jonny Davis at 729 27th Ave. NE, Great Falls, MT 59404 (01:36:07) thanks the board for having a public meeting. He says as a businessperson for a decade, he finds this proposal beneficial to this county as it will advance the county. He says that there has been much slander and gossip. He says that people have lost sight of the reason they are all here today. He says that the attitudes of some people at this meeting shows a lack of respect for the voluntary board who are viewing



both sides of this public hearing. He says that it is important that the board has an open mind while evaluating both sides of the public hearing. He says overall, he would rather have this proposal go through to provide an opportunity of a better job to at least one person in our county. In order to help that one person provide for/help their own family have better opportunities; than to not have that opportunity to give to someone at all. He ends by stating that it will make our county a better place.

**Kathy Austin at 3029 Wells Fargo Dr. Great Falls, MT 59404 (01:37:57)** says that she agrees with the previous proponent. He says that everyone has done an excellent job presenting the information. She states that her husband is Bill Austin. She says that her husband has not read or heard any of the gossip, nor has she. However, she says that she has seen some things on Facebook from some people who have no idea about what is actually occurring. She says that this meeting has enlightened her.

**Elias P. Wipf from the New Rockport Hutterite Colony in Choteau, MT (01:39:13)** says that he is in the Agricultural business. He says that he agrees with Mr. Friesen's statement earlier that it is a struggle to keep dairy businesses in Montana going. He says that this proposal will help dairy businesses in Montana. He says that the applicant has a good team that he is working with. He says that he understands that there are some people that are terribly upset. Nevertheless, he says that a cheese rendering plant will be good for all dairy businesses that are and are not in a Hutterite colony. He thanks the board and the staff for all the challenging work that they have done. He ends by stating that he hopes that the public, the opponents, will look at this proposal with an open mind and will not forejudge anything that they do not understand. Later on, he says that he is proud to say where he is from.

**Joseph J. Wipf from the Cascade Hutterite Colony, MT (01:40:44)** says that he is in favor of this proposal. He says that there is plenty of room in Cascade County.

**Tiffany Naude at 2104 5th St. NE, Great Falls, MT 59404 (01:41:47)** says that she has been in Cascade County for seventeen years (17 yrs.) and part of a family that has been in Montana a long time. She says that she is a part of the younger generation in Great Falls. She says that the younger generation of this county is being pushed out as the older generations are often closed minded. She says that there is no progress or growth, particularly with the younger generations. She says that this proposal will add a lot to Cascade County, such as some jobs and growth. She says that, "change is something that not a lot of people are accustomed to here." Nevertheless, she says that they need growth and this proposal can help aide in our county's growth. She says that one family member who has owned a business for over fifty years (50 yrs.) in this county had always welcome everyone and change. She hopes that everyone could carry a similar open-mindedness in order to help our county grow.

**Corine Lindhorst at 103 Golden Valley Loop Great Falls, Mt 59404-6115 (01:44:04)** says that she is neither for or against. Nevertheless, she does have some pending questions that she would like answered.

**David Wipf from Stockett, MT (01:44:53)** says, "If I think about a little bit...We got the same thing here in town, only three (3) times the size in Great Falls. How much has that affected us?" He asks for everyone to think about his statement.

**Bill Austin called for opponents:**

**Larry Kralj at 210 24th Ave S, Great Falls, MT 59405 (01:45:44)** says that he just stumbled in to this meeting for free cheese. He says that this meeting is about SUP 008-2017. He says that this meeting is about inviting in industrial agriculture into Great Falls. He says Montana has enough

cheese creameries already. He says this cheese creamery is the applicant's way of getting his foot in the door to allow a slaughterhouse. He advises the board to postpone or deny this application, and that this application is based on treachery.

*Larry Kralj continues to discuss slaughterhouses as well as his person feelings and opinions about the applicant, the board, and the Hutterites.*

Ross Regennitter at 620 Stockett Rd. Sand Coulee, MT 59472 (01:51:08) asks why they are having a business that will only be open twenty-six (26) days out of the year.

Bill Austin (01:51:31) says that decision is up to the applicant, not the boards.

Ross Regennitter (01:55:36) says that it is according to their numbers.

Bill Austin (01:51:38) says that is their numbers.

Ross Regennitter (01:51:50) says that they will produce three hundred and thirty-nine thousand (339,000) gallons of wastewater per year. He says that applicant either does not know how to do math or the applicant is lying.

*Ross Regennitter discusses his personal feelings and opinions about the applicant and his team of experts.*

Bill Austin (01:52:26) asks Mr. Regennitter to recheck his mathematical calculations as his math calculated two hundred and sixty (260) days out of the year.

*A public attendee tries to aide everyone in the room by doing some mathematical calculations.*

Ross Regennitter (01:52:48) says that the chair needs to check his math.

*The same public attendee then tries to discuss her personal feelings and opinions about everyone in the room. Bill Austin ask for her to please refrain from profanity in this meeting.*

Ross Regennitter (01:52:58) explains his mathematical calculations.

Bill Austin (01:53:07) asks for clarification on his objection.

Ross Regennitter (01:53:16) says that the permit has inaccurate information on it. He says the applicant needs to resubmit a new application in order to be considered.

*Ross Regennitter discusses his personal feelings and opinions about some of the applicant's team of experts. People in the room applaud. Bill Austin asks the public to please refrain from all applauding or to at the least applaud quietly.*

Tony Poupa at 309 Hastings Rd. Sand Coulee, MT 59472 (01:54:02) says that he received no certified letter about this proposal nor did his neighbors. He says that the applicant must have personally decided to not send him a letter. He says that the staff's number of objections is inaccurate. He said an egg facility applied for a tax abatement. He says that the board is discussing how much money this project will make. However, he says the county will lose money for they will undoubtedly apply for a tax abatement as well. He says his property value will go down and his taxes will go up. He says that he will have to deal with the fumes, lights, and so forth... that will come from this proposal.

*Ross Regennitter discusses his person feelings and opinions about the applicant and the Cascade County staff. Some public attendees applaud loudly again. The chairman says that he would like everyone from applauding. He says that he would like to defend the county staff as he finds that the*

*staff do an excellent job. He says he does not appreciate the accusation that has been stated about county staff.*

**Beth Thomas at 601 Carol Dr. Great Falls, MT 59405 (01:57:10)** says that she is a science teacher. She says that there may have been a zero that was dropped on the application. She then asks where the dairy will come from to make the cheese.

**Bill Austin (01:58:14)** asks the applicant to please answer the question.

**Edward Friesen (01:58:24)** responds that the dairy will be coming from Montana.

**Beth Thomas (01:58:27)** asks if there will be any additional dairy farms or factories that will be added. She asks the applicant if there will be additional dairy farms or factories for other companies as well that will be built in Cascade County. She then asks if what the starting wages will be for employees for the business.

**Edward Friesen (01:59:17)** responds that it will be no less than fifteen dollars per hour (\$15.00 per hr.).

**Beth Thomas (01:59:25)** responds that she would like to see some other type of value-added business than this proposal, such as a “pulse” crop. She asks if Montana is allowing this proposal to benefit the applicant. She says that she values Montana’s environment. She says that she did not hear anything being spoken about regarding water. She asks how much water will be used per day.

**Joe Murphy (01:58:24)** responds twelve thousand, nine hundred, and sixty gallons per day (12,960 gpd).<sup>9</sup>

**Beth Thomas (02:00:47)** responds that she finds it hard to believe that they are only using that much water per day. She says that she would like to see some other type of value-added business than this proposal.

*Susan McCord at 2811 4th Ave. N, Great Falls, MT 59401 thanks everyone. She agrees that Montana is a fantastic place to live. She says that she is trying to hire at least two (2) people for her work and if anyone is interested in the job position to please let her know. She says that they are struggling to find qualified workers for the job. She wishes all business good luck. Some public attendees applaud.*

**Diane Seitz Nelson at 1726 Alder Dr. Great Falls, MT 59404 (02:02:40)** asks, “if [sic] the zoning board [sic] might develop [...] some type of odor?”<sup>10</sup> She says odor can affect property values.

*Diane Seitz Nelson goes on to state that other counties and states have odor ordinances. She is wondering if we could propose a methane ordinance for the zoning regulations.*

**Richard Hopkins at 80 Hawk Dr. Great Falls, MT 59404 (02:04:02)** says that he appreciates the board and for excepting the comments. He states that he volunteered for the county long ago and spent a long time working for the government. He has some written comment that he would

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<sup>9</sup> Please see footnote 3.

<sup>10</sup> Ms. Seitz Nelson maybe referring to the proposal’s cheese rendering plant, not the “zoning board” in her inquiry that she stated to the board. She may also be referring to the Zoning Board of Adjustments developing some type of odor ordinance.

like to give regarding this application. Some of his written comment is in regard to the proposal not listing who the future and current employees and team members are.<sup>11</sup>

*Richard Hopkins discusses his personal feelings and opinions about the applicant, application, and Hutterite colonies.*

Bill Austin (02:12:57) asks for some clarification on what his objection is to this proposal.

*Richard Hopkins tries speaking at the same time as the chairman is asking him a question. The female public attendee who spoke earlier with Larry Kralj during board discussion states that the chairman is being disrespectful to Richard Hopkins. She states that she finds Richard Hopkins to be incredible. Some people start applauding. The female public attendee states her personal opinion about the applicant. Cascade County's Chief Civil Attorney Carey Ann Haight asks her to sit down, as she is intruding upon Richard Hopkins opportunity to speak.*

Bill Austin (02:13:33) asks if Richard Hopkin's object is that the application and the information contained are incorrect.

Richard Hopkins (02:13:45) replies yes as he sees that there is not enough information to make an insightful decision. He says this application should be denied.

*Richard Hopkins discusses his personal feelings and opinions about the Hutterite colonies. Some people start applauding. The female public attendee from earlier exclaims her personal opinion and feelings. The chairman asks the female attendee to stop interrupting the meeting. He states that they are not in control over how much the Hutterite colonies are paid. He asks for people to please to state their opposition to the proposal only, as well as for those who would like to speak to state their name and address.*

William Rogers at 8345 US Hwy 89, Great Falls, MT 59405 (02:18:41) says that he is a retired veterinarian. He says that this proposal is directly across the highway and his driveway. He says that it is not safe to build near the highway. He says he is unsure if this proposal will affect the wetlands. He says that he believes that this proposal has already negatively affected his property value. He says this proposal may harm our river. He states that he believes that this proposal will allow SUP 008-2017.

*William Rogers discusses his person feelings and opinions about the applicant, and some people applaud him. Judson Fredrick Burrows at 111 Fife Rd. Great Falls, MT 59405 asks why the applicant does not choose to build his proposal in one of Great Falls' parks. He says that he heard that there will be three (3) wells. He says that there is no reason to build where he is building "except to satisfy some customers [...] and start an irrigation project."*

Judson Fredrick Burrows (02:23:14) says this proposal will drain the Madison aquifer.

*Judson Fredrick Burrows says the applicant should build in Great Falls. He then discusses a job that he held long ago. Some people applaud him.*

Erin Tingey at 8359 US Hwy 89, Great Falls, MT 59405 (02:26:07) says that she is concerned about odor with this proposal. She says that the application uses vague words and is incomplete. Therefore, it should not be accepted. She asks for there to be consideration of the smell.

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<sup>11</sup> According to the SUP 006-2019 application on page eighteen (18), there are currently no employees. For more information please visit: <http://www.cascadecountymt.gov/df/departments/public-works/planning/project2/Big%20Sky%20Cheese-MFP%20Application.pdf?v=1556550208>.

*David Wipf says that the applicant is not being exclusive towards his demographic of customers and employees. He says the applicant stated that “he invites us all — not only the colonies. We [the Hutterite colonies] have a home for our milk [already]. Everybody [sic] can go out and build their own dairy farm.” Helen Coleman at 11 Homestake Ln Great Falls, MT 59405 says that she has two issues. She says that she had written to John LaFave from the bureau of mines and geology. She said that people are uncertain if water from the Madison aquifer is being replenished. She says that she also takes issues with fire protection and safety. She thinks that the staff that are to be employed at the proposed facility should have firefighting training. Nate Kluz at 597 Armington Rd, Belt, MT 59412 says that he does not understand the reason the proposed project chose their proposed location. He says that there are more appropriate locations. He says the location only makes sense if they are to move forward with the SUP 008-2017. He says that they should not consider this proposal without considering SUP 008-2017.*

*Nate Kluz (02:33:14) says that property value will be affected by this project if they allow this project to go through. He says that this project if it goes through will also affect business and population growth negatively in our county.*

*Kathy Buckles at 5219 2nd Ave N, Great Falls, MT 59405 says that she has worked in the food industry almost her whole life. She said she says that she has seen the larger dairy business stay but smaller dairy businesses in the community disappear. She says that she believes that nearly all dairy businesses left in Montana are all Hutterite.*

*John Tingey 8359 US Hwy 89, Great Falls, MT 59405 (02:36:18) says that he agrees with his wife Mrs. Tingey. He says that he would like the application to be definite. He would like the proposal to show factual numbers that this proposal will not smell or cause his property value to decrease.*

*Jaybe Floyd at 12 Homestake Ln, Great Falls, MT 59405 says that there is a lot of mistrust in this county towards this applicant. She asks if this application is a standalone application for the applicant to withdraw their SUP 008-2017. Some people applaud. She says that there is nothing in the current zoning regulations that states that the application will expire. Some people applaud.*

*Shannon Guilfoyle at 13 Homestead In. Great Falls, MT 59405 reads an excerpt from “Montana Milk Market Regulation Study” published in 2018. She reads from pages seventy-nine through eighty (pg. 79-80).<sup>12</sup> She says the staff report and the application does not state that Montana will need to import dairy for this proposal. She says that the applicant does not need to have an exceptional development team that specializes in large-scale development for their proposal. She says it does not make sense for this business to hire a small number of employees.*

*Shannon Guilfoyle (02:45:08) says that “Montana Milk Market Regulation Study” suggest that there is not much opportunity for a large-scale cheese processing facility in Montana. In short, she says the project is not worth the investment.*

*Some people applaud. Carolyn Craven at 101 14th Ave S, Great Falls, MT 59405 thanks the board. She then says that there is an error in the number of vehicle trips. She says that there is not a clear number for the number of actual employees that will work at the facility.*

*Carolyn Craven (02:45:45) She says that the soil that is at the proposed site is soil listed as state wide importance. She says that we must protect our most productive soils, such as by not*

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<sup>12</sup> For more information on “Montana Milk Market Regulation Study” please visit:  
[http://liv.mt.gov/Portals/146/MC/Montana\\_Milk\\_Market\\_Regulation\\_Study\\_Final\\_Report\\_2018-06-04.pdf?ver=2018-06-27-095606-510](http://liv.mt.gov/Portals/146/MC/Montana_Milk_Market_Regulation_Study_Final_Report_2018-06-04.pdf?ver=2018-06-27-095606-510).



building on top of these precious soils. She also finds the application to be insufficient and misleading for a number of reasons.

*Carolyn Craven says that she also spoke with the bureau of mines and geology. She can concur with Ms. Coleman as she has heard similarly from Dr. LaFave. She says that the doctor stated that our aquifer is sensitive to precipitation and drought. She also says that our aquifers have high connectivity. She says that the applicant does not discuss all of the goals of the growth policy nor explains the reason as to not meeting all of the growth policy goals. She says that she has some submitted written comments. She says that Kate McMahon researched that not all the parcels were notified about the proposal. She says Ms. McMahon also suggested that there may be potential retention ponds and spray irrigation fields on one of the adjacent parcels. She says that one of the adjacent parcels is being used as an approach access. She says that it is important for SUP to include the adjacent properties as well. She says the Special Use Permit would have to be amended and there would need to be an additional public hearing. She asks for clarification on the application. Debra Jenkins at 298 Hastings Rd, Sand Coulee, MT 59472 thanks the board and the staff. She says she has written comments that she will submit. She agrees with the chairman that they need to all remain respectful and well-mannered. She says everyone is not against growth but are against the slaughterhouse application. She says she does not trust the county and is skeptical of the county. She says that she does feel as if the county in being fair and just. Some people applaud.*

Bill Austin (02:58:17) responds that they are governed by state and county law and regulations. He says it is in his opinion that Larry Kralj did not understand that this board is governed by certain rules and procedures that are required by the state as well as the county. He says that they all try to be respectful as possible and hope that they may receive some respect back. He says that appreciates everyone who is being respectful and patient.

Public Hearing closed at 08:26 PM

*Numerous people start to leave and talk loudly. Cascade County's Chief Civil Carey Ann Haight says the meeting is not over yet. Interim Planning Director Sandor Hopkins asks people to please remain quiet and respectful as the meeting has not been formally adjourned yet. He says the board has also not decided on a motion. Chairman Bill Austin agrees as well as explains the next phase in the meeting.*

#### Board Discussion and Decision

Bill Austin (03:00:30) says that the staff and him suggest, due to so many written public comments as well as numerous public interests, that the application be tabled until further notice and review.

Carey Ann Haight (03:01:07) responds that it is up to the board to decide to motion to table, deny, or approve.

Michele Levine (03:01:11) says the board does have some questions that they would like to ask the applicant.

*Charles Kuether agrees. Bill Austin states that the board will ask the applicant questions.*

Charles Kuether (03:01:43) states that he would like to ask some questions first. He asks for the applicant to come to the podium.



**Joe Murphy (03:02:10)** says that it may be more appropriate for the board to ask the question first. So, the applicant's development team may decide among themselves who the best person is to answer the question.

**Charles Kuether agrees.**

**Charles Kuether (03:02:31)** says that he is presently looking at a document titled Use Statement. He says that this document suggests that there needs to be certain business licenses. He says unfortunately these licenses are not addressed in the staff report. He asks what licenses the applicant is referring to as well as what the plan of action regarding these licenses.

**Joe Murphy (03:03:21)** says that he is unsure presently. Nevertheless, he will try to answer the question. He asks where the Use Statement form states these licenses.

**Charles Kuether (03:03:34)** responds that it is under RR-6 (Response 6).<sup>13</sup>

**Joe Murphy (03:04:00)** says that the applicant will be apply for and obtain all necessary licenses in order to manufacture and sell the cheese. Alas, he says that he is unable to give specifics as he is personally not a business license expert.

**Charles Kuether (03:04:30)** says the staff report states that there will be off-site parking instead of on-site parking. He says on-site parking is require by the Zoning Regulations Section 8.4.8.<sup>14</sup> He says that he does not find this to be consistent.

**Joe Murphy (03:05:17)** responds that the preceding paragraph refers to twenty-five (25) parking spaces.

**Charles Kuether agrees.**

**Joe Murphy (03:05:28)** responds that two thirds (2/3) of the parking spaces will be for the employees. He says that overall the parking lot should be more than ample for the proposal's number of anticipated customers.

**Charles Kuether (03:05:57)** says that there is also two (2) references to "cheese caves". He asks for some clarification on the meaning of this word as well as an explanation on what is required for these "caves".

**Joe Murphy (03:06:32)** suggests that Mr. Friesen is more suitable to answer this question.

**Edward Friesen (03:06:41)** responds that a cheese caves is a storage room in a building where cheese is aged and ripened.<sup>15</sup> The room typically has many wooded shelves for storing the cheese. The room is temperature controlled and has controlled humidity inside the room. He says the cheese will be stored in this room for several months to allow the cheese to ripen and age.

**Charles Kuether (03:07:13)** responds that instead of calling the room a storage room for cheese it is called a "cheese cave".

**Edward Frisian (03:07:18)** replies yes. He says the difference between a storage room and a "cheese cave" is that a storage room is not typically has or is temperature controlled. Instead, a storage room is frequently at room temperature.

**Charles Kuether (03:07:26)** responds that the cave is not an actual underground cave. It is a room within the building.

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<sup>13</sup> Please see footnote 3.

<sup>14</sup> For more information please read the "Zoning Regulations" at [http://www.cascadecountymt.gov/df/departments/public-works/planning/2018\\_FINAL\\_CascadeCountyZoningRegs.pdf?v=1542840838](http://www.cascadecountymt.gov/df/departments/public-works/planning/2018_FINAL_CascadeCountyZoningRegs.pdf?v=1542840838) .

<sup>15</sup> For more information on the process of cheese making please see "Dairy Product: Cheese" from the online encyclopedia of Britannica: <https://www.britannica.com/topic/dairy-product/Cheese#ref50442> .

Edward Friesen (03:07:34) replies that is correct.

*The board converse with one another.*

Michelle Levine (03:08:04) says that she has some questions as well for David Donahue. She asks what the timeline is for documentation on the impact this proposal will have on the Madison aquifer, adjacent landowners, and Giant Springs.

David Donahue (03:08:30) responds if it is an exempt well, the applicant only needs to apply for and file a notice of completion with the state of Montana. He says the well would be using thirty-five (35) gallons per minute, which is nearly less than ten (10) acre feet per year.

Michelle Levine (03:08:55) says that her understanding was that the water usage would exceed ten-point-four (10.4) (10) acre feet per year, which would exceed the exempt well limit. She says that she was confused by the presentation earlier as the total from both of the wells would exceed the exempt well limit.

David Donahue (03:09:17) responds that the state well rules in Montana, that only one exempt well can be less than ten (10) acre feet per year, which is less than thirty-five (35) gallons per minute. The law states that if there is to be two (2) wells on the property, they must be at least one thousand and twenty feet away (1,020 ft.) in order for the other well to qualify as an exempt well. He says that it is possible for the applicant to have one well for processing plant and others to be used for fire suppression and domestic use as it would as still meet the qualifications for an exempt well.

Michelle Levine (03:10:05) says that she is concerned as the board is to consider private water supply. She says that she needs a hydraulics report and information on the recharge of the Madison aquifer in order to carefully consider private water usage.

David Donahue (03:10:25) says that he currently does not have the documents. Nevertheless, he says that they will try to get the documentation out to the board if it is required. He says Department of Natural Resources and Conservation (DNRC) and Department of Environmental Quality (DEQ) will also be looking into the exempt wells permits. He says that the process is the same process used in order to get a residential well for personal and domestic use.

Michelle Levine (03:11:23) asks if the applicant can provide that information in order for the board to do their due diligence.

Edward Friesen (03:11:48) replies, "It is imperative [...] that the environment gets respected" and that he has no objection to providing the additional information.<sup>16</sup>

Michele Levine (03:12:08) thanks the applicant. She asks if anyone else on the board has some questions.

*The board responds no.*

Michele Levine (03:12:30) asks what the generator of the methane gas is as it states in the staff report.

*The board and staff converse with one another. The staff and the rest of the board search for the subject of vicechair Levine's inquiry. In the meantime, the board decides to move to the vicechair's next inquiry.*

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<sup>16</sup> To view the additional information submitted by the applicant please visit:  
<http://www.cascadecountymt.gov/df/departments/public-works/planning/project2/SUP%20006-2019%20-%20Additional%20Materials%207-11-2019.pdf?v=1562952385> .

**Michelle Levine (03:13:54)** asks about the mitigation plans are for noise and odor, as well as any other buffering features for this proposal.

**Leonard Reed states that the vicechair may need to repeat the question for the applicant.**

**Joe Murphy (03:14:23)** understands that there are certain requirements for the county zoning regarding buffering. He says the intent is to build landscaping buffers that will either exceed or meet the county requirements. He says they currently have not designed the plant as they find designing it at this time would be a premature action. They do not want to waste time or expenses on a proposal that does not yet have its approved permit. Nevertheless, the plans will at the proper time be designed along with the landscaping design plans. He says that he finds that the applicant does in fact want to be a good steward and neighbor by having a buffer zone to the east, the west, as well as the north.

**Michelle Levine (03:16:01)** asks if they could address some of the opponents concerns and inquiries such as the amount of water, the location, and so forth...

**Joe Murphy (03:16:36)** states that he understands that there are multiple places elsewhere where the applicant could have chosen for his proposed facility. He says other landowners may decide to build something similar to the applicant's proposal in those areas as well. Nevertheless, the applicant decided to work with the property-owner and buy that particular property. He says overall there is a variety and abundant number of reasons why a person buys a property. He says no one can control those reasons why a person wants to buy a particular place. He cannot give a concise explanation as to why. He admits that there was a mistake in one section of the application regarding the mathematics of the water. He says that it is not a mathematical error, but a typographical error.<sup>17</sup>

**Michelle Levine (03:18:25)** says on page eleven (11) of the staff report there is some discussion of benefits via tax base. She asks what the estimate tax base increase would be.

**Joe Murphy (03:18:41)** responds that he does not have that information on hand currently.

**Michelle Levine (03:18:46)** asks if anyone can answer the tax abatement concern.

**Joe Murphy (03:18:52)** misunderstands what the vicechair is asking.

**Michelle Levine (03:18:56)** says that there is concern that the applicant will apply for tax abatement.

**Joe Murphy (03:19:04)** responds that he is unable to answer that question. He says that he is not sure if the applicant can answer that question currently either.

**Michelle Levine (03:19:09)** asks if they could discuss the proposed energy that will be used.

**Joe Murphy (03:19:19)** responds that the applicant has discussed using wind and solar energy. He says that the applicant from the very beginning has had a desire and a push to use renewable energy. Nevertheless, since they have not designed the plant yet, they do not have any concrete plans for renewable energy set in place yet.

**Michelle Levine (03:19:59)** asks if it is to be potentially wind or solar energy.

**Joe Murphy (03:20:03)** replies that is his understanding.

**Michelle Levine (03:20:07)** asks if Mr. Phipps could expand on the effluent that will be land applied.

**Jerry Phipps (03:20:43)** responds that there will be some expanded solids left as well as some dissolved solids. He says the treatment process will not be able to remove the dissolved solids.

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<sup>17</sup> Please see footnote 16.

They will look in to that issue nevertheless. If this proposal is approved and after the plans are created, they will look at characterizing the wastewater and test the wastewater. He goes on to say that no low levels of nitrogen will go into an irrigation or a storage pond.

**Michelle Levine (03:22:09)** asks what types of plants are planned on being grown on the land.

**Jerry Phipps (03:22:14)** responds alfalfa is one of the crops that they may plan on growing. They first need to test the wastewater as some crops are more sensitive to certain dissolved solids. They may even have to get an agronomist in the future.

**Bill Austin (03:23:11)** says that it seems that the applicant and applicant's development team most likely cannot address some of these questions as they do not know yet.

**Michelle Levine (03:23:55)** asks the staff if they could speak about the public notice and who was chosen to be notified.

**Bill Austin (03:24:07)** says that he was curious about this incident as well. He says that he finds it very odd that some people did not receive any letter.

**Sandor Hopkins (03:24:15)** responds that there are essentially three (3) adjacent property owners to the proposed facility's location. He says that three (3) certified letters were sent to those applicants and has read receipts from the adjacent landowners. The three (3) applicants were Madison Food Park (the applicant), Charlotte S. Mehmke, and Mardel M. Scott. He states that previously everyone who was in the one (1) mile buffer of the Madison Food Park application was notified. However, staff did not choose to do so this time around.

**Rob Skawinski (03:25:18)** asks why there is many unknowns in the cheese business if the applicant's has years of experience. He says as an experienced businessman himself, there is little unknowns in his job. He asks what some of these unknown factors are that make it difficult to answer the vicechair's questions.

**Joe Murphy (03:26:51)** responds that he is not aware fully what some of the unknowns are. He says however some of the unknowns, such as the wells, they will not know until they have DNRC (Department of Natural Resources and Conservation) and DEQ (Department of Environmental Quality) take a look and draw water from the ground. He says they will know more once they have submitted the designs and documents to the other departments and entities. He says even so he will try to address any other unknowns to the best of his ability.

**Rob Skawinski (03:28:01)** says that they have two (2) exempt wells and need to drill. He asks if once they drill then, they can file the needed paperwork to DNRC.

**Joe Murphy (03:28:07)** replies yes. He says that they are exempt wells as they draw a minimum amount of water from an extremely large aquifer. He says that he does not see any perceive impacts. He says that they have not decided to create a larger well. Instead they want to create two (2) exempt wells to avoid the prolonged process of obtaining water rights. He says that he finds this SUP process currently of more importance.

**Rob Skawinski understands.**

**Rob Skawinski (03:29:25)** ask should not the applicant no what type of wastewater is created from cheese processing in order to already know how to properly treat the water before you have to spray it on to the crops.

**Joe Murphy (03:29:58)** responds that some of these questions have already been addressed and have been analyzed in the SUP application.

**Jerry Phipps (03:30:53)** says that it currently is a balancing act at this current stage of development. He says that they have some data from this sister dairy facility. In spite of this

information, they do not have the rest of the data yet. They will collect more data from it. He goes on to say that every application and facility is unique towards their wastewater.

**Michelle Levine (03:32:19)** asks if there is control of air and water quality at the sister dairy facility. If so, is it possible that they can obtain information on the sister facility takes in order to better understand the water and air quality impacts.

**Jerry Phipps (03:32:44)** replies yes.

**Michelle Levine (03:33:15)** asks if some could address the agricultural economics, as well as address the milk report, as address by Ms. Guilfoyle, in regard to the market for the product.

**Edward Friesen (03:33:57)** asks for clarification on the question at hand.

**Michelle Levine (03:34:12)** asks for him to address the concern that the number of dairies in the state of Montana do not support a viable value-added cheese processing facility.

**Edward Friesen (03:34:23)** responds that were many dairies in Montana, but many have now gone out of business. He says the price of milk is not high enough for many dairies to stay in operation. He says that the only way that these dairies can be viable is if they have a higher price for milk. He says that he hopes this proposal will encourage dairies to reopen their business and/or expand their business. He hopes that more dairies will also become more efficient. In short, he says the dairy business in Montana is broken and he hopes that the value-added businesses will just stay here in Montana. He also says that he agrees with Mr. Phipps on how comparing the wastewater to the sister facility. Since, there are many factors that differ from this proposed facility to the sister facility, such as the type of milk.

*The board converse with one another.*

**Bill Austin (03:38:32)** says that they are getting in depth with the business plan, which is outside of the scope of the Zoning Board of Adjustment. He says the business plan is decided by the business owner. He says that it is up to the businessowner to decide whether or not the business will be profitable. He says as a board, their job is to see if the proposed project/business fits inside the zoning regulations. He says that he finds that they are straying away from the extent of what the Zoning Board of Adjustment can or cannot do. He says that he recommends the board to make a motion to table the application until further notice.

**Rob Skawinski (03:39:50)** asks if they could have a clarification on the information that the board is asking the applicant to give.

**Bill Austin (03:40:09)** says that they are going to find a lot of this information within these letters. They just need to dig around to find the answers.

**Michele Levine (03:40:23)** says that she is only requesting for three main items: a hydrology report as well as additional information from other cheese plants on water quality and air quality.

**Bill Austin (03:40:59)** asks for some more information on traffic. He says that they may need another road in that vicinity.

**Sandor Hopkins (03:41:18)** agrees. He says Montana Department of Transportation will be processing an approach permit by this applicant for the proposal. he goes on to say that the Planning department will not approve this permit without the ZBOA's approval as well as having the approach permit in place.

**Bill Austin (03:41:33)** asks if Rob Skawinski has any specifications to address in regard to additional information that is being requested.

**Rob Skawinski (03:41:39)** states that the vicechair covered the specifications.

Bill Austin (03:41:44) asks if any of the other board members or staff have anything else to add or to say.

*The board does not have anything else to add.*

Carey Haight (03:41:59) asks if the board has a proposed timeline for the additional information requested.

Michele Levine (03:42:07) states that will take some time to gather the information as well as to continue to go through the public comment on this application.

*The chief civil attorney agrees. The board converse with one another.*

Bill Austin (03:42:21) asks how long the applicant finds it will take to obtain all of the additional information.

Edward Friesen (03:42:32) responds that it will take two (2) weeks.

*The chairman understands. The board converse with one another.*

Sandor Hopkins (03:42:50) responds that timeline sounds appropriate and that they could have another meeting in July. He replies that will also give the SUP 007-2019 some time to finish gathering their additional information as well.

Bill Austin (03:43:00) asks for a motion

Michele Levine (03:43:05) responds by motioning to table and postpone this agenda item SUP 006-2019 until the next ZBOA meeting in July, as well as in receipt of receiving the additional information from the applicant.

Leonard Reed seconds the motion to table.

*All in favor, motion carries 5-0.*

#### 6. BOARD MATTERS:

Sandor Hopkins (03:44:17) asks how they would like the next meeting to be as well as what is the availability of the board members.

Bill Austin (03:44:44) states that he would like the next meeting to be a regular meeting. He asks for the chief civil attorney's opinion.

#### 7. PUBLIC COMMENTS REGARDING MATTERS:

Jaybe Floyd (03:45:02) asks if they can give public comment on the additional information requested.

Bill Austin (03:45:23) responds that they can always give public comment.

Carey Ann Haight (03:45:28) responds that the written public comment section has been closed. The board may decide after receiving the requested additional information to open public comment section again. Nevertheless, the public comment section is currently closed.

Jaybe Floyd (03:45:40) asks for the public section to be opened for the additional information that is being requested.

#### 8. ADJOURNMENT:

Charles Kuether made a motion to adjourn

Michele Levine seconded the motion

*All in favor 5-0, meeting adjourned at 09:12 PM*